

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PAUL E. SPAULDING,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-08-757-M
)	
MICHAEL J. ASTRUE,)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

ORDER


On May 29, 2009, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action pursuant to 42 U.S.C. § 405(g) for judicial review of the final decision of the Commissioner of Social Security Administration. The Magistrate Judge recommended that the Commissioner's decision be affirmed. Plaintiff was advised of his right to object to the Report and Recommendation, and on June 18, 2009, plaintiff filed his objections.

In his objections, plaintiff asserts that the Magistrate Judge was incorrect in finding that the Administrative Law Judge ("ALJ") had properly applied the Grids and that the ALJ's opinion was supported by substantial evidence with regards to plaintiff's use of a nebulizer. Plaintiff also contends that the Magistrate Judge engaged in selective reliance of the medical evidence in the record, resulting in an improper determination during the five-step sequential evaluation process. Having carefully reviewed this matter de novo, the Court finds underlying decision of the Commissioner of Social Security Administration is well-supported by substantial evidence and the ALJ properly applied the five-step sequential evaluation process. The Court, therefore, finds that the Magistrate Judge appropriately affirmed the Commissioner's decision.

Accordingly, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on May 29, 2009, and
- (2) AFFIRMS the decision of the Commissioner.

IT IS SO ORDERED this 26th day of June, 2009.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE